

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

CARL RAGASA and KANANI RAGASA,	) CIVIL NO. 03-00540
	)
Plaintiffs,	) DECLARATION OF MARK
	) MCKAMEY
)	)
vs.	)
	)
COUNTY OF KAUAI, KAUAI FIRE DEPARTMENT, DAVID SPROAT, ROBERT KADEN, SIDNEY KINI and ETHAN SAGE,	)
	)
Defendants.	)
	)

DECLARATION OF MARK MCKAMEY

I, MARK MCKAMEY, hereby declare as follows:

1. I have been a Water Safety Officer with Defendant COUNTY OF KAUAI ("COUNTY") since about 1989.
2. Plaintiff CARL RAGASA ("CARL") has been a Water Safety Officer with the COUNTY since about 1991. I have known CARL all during that time.
3. On the afternoon of Wednesday, March 20, 2002, CARL and I were working together at Tower 1 at the Hanelei Pavillion.

4. That day, Defendant SIDNEY KINI ("KINI") held a United States Lifesaving Association ("USLA") open water training class at the Hanalei Pier.

5. Later that day, KINI moved the USLA open water training class from the Hanalei Pier to Tower #1.

6. Most of the Water Safety Officers in KINI's class walked from Hanalei Pier to Tower 1. SAGE was one of them.

7. During the time that the Water Safety Officers were walking along the beach from the Hanalei Pier to Tower 1, Carl and I had been monitoring a woman in the rip current. She was not far from shore, but was drifting on and off the sand bar. She was not in danger, but her actions warranted close observation.

8. As CARL and I continued to monitor the woman, I saw and heard Sage clearly mocking CARL and I. He said, "look at the senior guards. They don't know how to do their jobs!"

9. When CARL heard SAGE say "look at the senior guards. They don't know how to do their jobs,!" CARL said to SAGE "get the f\*\*\* out of here. Don't tell us how to do our jobs."

10. KINI's USLA open water savings class finished up behind Tower 1 near the storeroom area. Nothing else out of the ordinary occurred.

11. At about 4 o'clock that afternoon, when the class was over, Carl and I both talked to KINI at the bottom of the steps by the tower about the many problems that he and I had both been having with SAGE in the past. I did most of the talking. I told KINI that most of CARL's and my problems with SAGE were the direct result of his many unprofessional acts and behavior.

12. KINI seemed to be listening to me. He told me that his plan was to hold helicopter training for class at Salt Pond the next day and that he planned on returning to Tower #1 on Friday, March 22, 2002 for rescue board and Jet Ski training.

13. I thought bringing SAGE back to Tower 1 was a bad idea. SAGE seemed to be wanting to start trouble with CARL and I. CARL and I wanted to avoid a confrontation. I therefore suggested to KINI that he hold the next USLA open water training class at Tower #2, where the surf conditions would be more suitable for rescue board and Jet Ski training. KINI told me that he would do so. I took KINI at his word. My understanding is that KINI broke his promise and held the next USLA open water training class at Tower ~~#2~~ <sup>#1 M.M.</sup> Friday, March 22, 2002 anyway.

14. At no time on March 20, 2002 did CARL ever raise his voice or say any threatening words toward KINI or SAGE in any way.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Executed this 25th day of October, 2005 at Hanalei, Kauai, Hawaii.

Mark McKamey  
MARK MCKAMEY